

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WARSHAW GROUP INC.,

Plaintiff,

-V-

MATERIALINK LLC,

Defendant.

23 Civ. 1916 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

Plaintiff filed the Complaint in this action on March 6, 2023. Dkt. 2. Defendant was served with the Complaint on March 18, 2023, making its answer due by April 10, 2023. Dkt. 8. The Court then adjourned sua sponte Defendant's deadline to respond to the Complaint until April 19, 2023, following Defendant's failure to respond. To date, Defendant has not appeared in this action or responded to the Complaint. A Clerk's Certificate of Default was issued on April 21, 2023. Dkt. 13.

It is hereby ORDERED that no later than May 9, 2023, Plaintiff shall move for default judgment as to Defendant, in accordance with Local Civil Rule 55.2 and 3.D of the Court's Individual Rules and Practices for Civil Cases, or show cause why this case should not be dismissed for failure to prosecute. Pursuant to this Court's Individual Rules, Plaintiff must serve his motion for default judgment and supporting paperwork on Defendant by May 9, 2023, and must file an Affidavit of Service on ECF by May 11, 2023. Defendant shall file any opposition to the motion for default judgment no later than May 23, 2023. Plaintiff shall file any reply no later than May 30, 2023.


It is further ORDERED that Defendant appear and show cause at a hearing before this Court

on June 27, 2023, at 9:00 a.m., why an order should not be issued granting a default judgment against Defendant. That hearing shall take place telephonically. At the scheduled time, counsel for all parties should call (866) 434-5269, access code 9176261. In the event that Defendant does not appear, Plaintiff's counsel should be prepared to discuss any communications with Defendant or representatives for Defendant regarding their litigation and any intent to challenge the suit, including discussions about the alleged illegal conduct prior to the filing of the lawsuit; how Defendant was served with the Summons and Complaint and this Order; why Plaintiff's counsel is confident that Defendant has been served with those documents and has received notice of the hearing; and the method for calculating damages. In the event that Defendant appears in this action and opposes the motion for default judgment prior to the scheduled court appearance on June 27, 2023, that court appearance shall also serve as an Initial Case Management Conference pursuant to 5.B of the Court's Individual Rules and Practices in Civil Cases.

It is further ORDERED that Plaintiff serve Defendant via overnight courier with a copy of this Order within one week of the date of this Order. Within two business days of service, Plaintiff must file proof of such service on the docket.

SO ORDERED.

Dated: April 24, 2023  
New York, New York

  
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JOHN P. CRONAN  
United States District Judge